
DIGEST

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Stiaes

HB No. 325

Abstract: Authorizes an additional two-year extension of the homestead exemption and the special assessment level for uninhabitable property damaged or destroyed by a disaster if the homeowner's damage claim is pending in a formal appeal process with a governmental program or agency or if a homeowner has a damage claim filed and pending against the property's insurer.

Present constitution provides that any homestead receiving the homestead exemption that is damaged or destroyed during a disaster or emergency whose owner is unable to occupy the homestead on or before Dec. 31 of a calendar year due to such damage or destruction shall be entitled to claim and keep the exemption by filing with the assessor an annual affidavit of the taxpayer's intent to return and reoccupy the homestead within five years from Dec. 31 of the year following the disaster.

Proposed constitutional amendment retains present constitution but adds that any owner of a homestead qualifying for the five-year extension of the homestead exemption shall be entitled to claim and keep the exemption for up to two additional years by filing an annual affidavit of intent to return and reoccupy the homestead with the assessor.

Present constitution provides that any person entitled to the special assessment level who is unable to occupy the homestead on or before Dec. 31 of a calendar year due to damage or destruction of the homestead caused by a disaster or emergency shall be entitled to keep the special assessment level on the repaired or rebuilt homestead provided the homestead is reoccupied by the owner within five years from Dec. 31 of the year following the disaster.

Proposed constitutional amendment retains present constitution but adds that any owner qualifying for the five-year extension of the special assessment level who is unable to reoccupy the damaged or destroyed homestead within five years, shall be eligible for an additional extension of the special assessment level on the damaged or destroyed homestead for up to two additional years.

Proposed constitutional amendment provides that a homeowner shall only be eligible for this extension of the homestead exemption and the special assessment level if the homeowner's damage claim is filed and pending in a formal appeal process with any federal, state, or local government agency or program offering grants or assistance for repairing or rebuilding damaged or destroyed homes as a result of the disaster or if a homeowner has a damage claim filed and pending against the property's insurer. Requires the homeowner to provide official

documentation from the governmental agency or program evidencing the homeowner's participation in the formal appeal process or official documentation evidencing the damage claim filed and pending against the property's insurer.

Proposed constitutional amendment provides that in addition to the two-year extension of the homestead exemption and the special assessment level contained in proposed constitutional amendment, an assessor is authorized to grant up to three additional one-year extensions of the special assessment level and the homestead exemption on a case-by-case basis. A homeowner shall only be eligible for such additional extension under circumstances prescribed by law.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 2, 2010.

(Amends Const. Art. VII, §§18(G)(5) and 20(A)(10))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Ways and Means to the original bill.

1. Authorized homeowners who have a damage claim filed and pending against the property's insurer to be eligible for extension of the homestead exemption and special assessment level for homesteads damaged or destroyed as a result of a disaster.
2. Required the homeowner to provide to the assessor, official documentation evidencing the homeowner has a claim filed and pending against the property's insurer for extension of the homestead exemption and the special assessment level for homesteads damaged or destroyed as a result of a disaster.

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the engrossed bill.

1. Provided technical corrections to the body of the bill and the ballot language.

Summary of Amendments Adopted by House

House Floor Amendments to the reengrossed bill.

1. Clarified that a homeowner shall only be eligible for the additional extension of the special assessment level under circumstances prescribed by law.